

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**ROBERT E. DOWDA, JR.,
individually and on behalf of all
similarly situated individuals;**

Plaintiff,

V.

Civil Action No.: 2:06-CV-00255-WHA

**H&R BLOCK, INC., H&R BLOCK
TAX SERVICES, INC. and H&R
BLOCK FINANCIAL ADVISORS, INC.,**

Defendants.

**DEFENDANTS' MOTION TO TRANSFER VENUE AND POSTPONE DATE TO
ANSWER OR OTHERWISE PLEAD**

Defendants, H&R Block, Inc. (“Block”), H&R Block Tax Services, Inc. (“Tax Services”) and H&R Block Financial Advisors, Inc. (“HRBFA”), by their counsel, move this Court pursuant to 28 U.S.C. §1404(a) to transfer this action to the United States District Court for the Western District of Missouri, Western Division, where the case could have been originally brought. Pursuant to Fed. R. Civ. P. 6(b), Defendants also request that the date for filing their answers or other responsive pleadings be postponed until a date to be determined after this Court rules on the Defendants' motion to transfer or, alternatively, until such time as the Court in the Western District of Missouri sets for the filing of responsive pleadings. Plaintiff has agreed to Defendants' request for such an extension of time to file responsive pleadings.

The present action is one of ten presently-known class action lawsuits filed since March 15, 2006 involving allegations based on Defendants' allegedly deceptive marketing and sale of the same product: Express IRAs. Five of those lawsuits have been filed in the Western District of Missouri. Each of the ten cases allege substantially similar facts and claims and appear to

mirror the allegations of a lawsuit challenging Express IRAs filed by the Attorney General of the State of New York on March 15, 2006 in New York state court. Defendants have filed a motion to consolidate the five cases already pending in the Western District of Missouri, and will be filing similar motions to transfer the five other class action lawsuits currently pending outside the Western District of Missouri, with the intention of consolidating all of the class actions into a single proceeding in that Court.

Venue is proper in the Western District of Missouri because two of the Defendants resides there and a substantial part of the events or omissions allegedly giving rise to the claims, to the extent they are attributed to Block and Tax Services, occurred in that District at Block's headquarters in Kansas City, Missouri, so that the overwhelming majority of witnesses and documents relevant to the claims and defenses at issue in this case are located in that District. Further, the interests of justice favor transfer of this action to the Western District of Missouri, where five substantially identical suits are already pending and where the suit can be litigated more expeditiously and inexpensively than in the Middle District of Alabama.

ACCORDINGLY, Defendants respectfully request, pursuant to 28 U.S.C. § 1404(a), that this Court transfer this action to the U.S. District Court for the Western District of Missouri, Western Division. Pursuant to Fed. R. Civ. P. 6(b), Defendants also request that the date for filing their answers or other responsive pleadings be postponed until a date to be determined after this Court rules on the Defendants' motion to transfer or, alternatively, until such time as the Court in the Western District of Missouri sets for the filing of responsive pleadings. A memorandum of law and supporting affidavit is submitted herewith in further support of this motion.

Dated: April 17, 2006

Respectfully submitted,

**H&R BLOCK, INC., H&R BLOCK TAX
SERVICES, INC. and H&R BLOCK FINANCIAL
ADVISORS, INC.**

By: /s/ Wilson F. Green
One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following counsel of record by electronically filing with the Clerk of the Court using the CM/ECF system and/or placing same in the United States mail, postage prepaid, on this the 17th day of April as follows:

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